**Chapter 4**

**APPLICATIONS, WAITING LIST AND TENANT SELECTION**

**INTRODUCTION**

This chapter describes HUD and PHA policies for accepting applications, managing the waiting list and selecting families from the waiting list. The PHAs policies for assigning unit size and making unit offers are contained in Chapter 5. Together, Chapters 4 and 5 of the ACOP comprise the PHA’s Tenant Selection and Assignment Plan (TSAP).

The policies outlined in this chapter are organized into three sections, as follows:

Part I: The Application Process. This part provides an overview of the application process and discusses how applicants can obtain and submit applications. It also specifies how the PHA will handle the applications it receives.

Part II: Managing the Waiting List. This part presents the policies that govern how the PHA’s waiting list is structured, when it is opened and closed, and how the public is notified of the opportunity to apply for public housing. It also discusses the process the PHA will use to keep the waiting list current.

Part III: Tenant Selection. This part describes the policies that guide the PHA in selecting families from the waiting list as units become available. It also specifies how in-person interviews will be used to ensure that the PHA has the information needed to make a final eligibility determination.

**PART I: THE APPLICATION PROCESS**.

**4-I.A. OVERVIEW**

This section is a brief overview of the key issues discussed in Part I. **No policy decisions are required.**

**4-I.B. APPLYING FOR ASSISTANCE [PH Occ GB, p. 68]**

HUD gives a PHA the latitude to determine how the PHA will take applications, within certain constraints. HUD does not mandate the format or content of the application, or the method for processing applications. However, the PHA must include Form HUD-92006, Supplement to Application for Federally Assisted Housing, as part of the PHA’s application [Notice PIH 2009‑36]. The policies that govern the application process must be set out in the ACOP.

**☑ Decision Point: Will the PHA use a one-step or a two-step application-taking process?**

Things to Consider

* Generally, when accepting applications, the PHA would use either a one-step or a two-step application process.
* A one-step application process is typically most appropriate for PHAs that have short waiting lists (e.g., less than 60 days). In this type of situation, the family completes a full application, providing complete information when it applies for public housing. Collecting complete information only when the waiting list is short reduces the risk of having the information become out-of-date before the PHA is able to house the family.
* A two-step application process is more appropriate and effective for PHAs that have longer waiting lists, or whose waiting lists fluctuate in length. The two-part process requires the family to provide only the information required to place the family correctly on the waiting list at initial application (step one). The PHA then requests complete information when the family is selected from the waiting list (step two).
* The model policy language is written to accommodate either a one-step or a two-step application process. The language gives the PHA the flexibility to use one process or the other, depending upon the family’s expected wait time. If your PHA consistently uses either a one- or a two-step process and prefers not to include this flexibility, you will need to edit the model ACOP accordingly.

🞎 *Option 1: Use the model ACOP language shown below. No changes to the model ACOP are needed.*

Depending upon the length of time between the date of application and the availability of housing, the PHA may use a one- or two-step application process.

A one-step process will be used when it is expected that a family will be selected from the waiting list within 60 days of the date of application. At application, the family must provide all information necessary to establish family eligibility and the amount of rent the family will pay.

A two-step process will be used when it is expected that a family will not be selected from the waiting list for at least 60 days from the date of application. Under the two-step application process, the PHA initially will require families to provide only the information needed to make an initial assessment of the family’s eligibility, and to determine the family’s placement on the waiting list. The family will be required to provide all information necessary to establish family eligibility and the amount of rent the family will pay when the family is selected from the waiting list.

🞎 *Option 2:* *Edit the model ACOP language below by filling in the blanks.*

Depending upon the length of time between the date of application and the availability of housing, the PHA may use a one- or two-step application process.

A one-step process will be used when it is expected that a family will be selected from the waiting list within \_\_\_ days of the date of application. At application, the family must provide all information necessary to establish family eligibility and the amount of rent the family will pay.

A two-step process will be used when it is expected that a family will not be selected from the waiting list for at least \_\_\_ days from the date of application. Under the two-step application process, the PHA initially will require families to provide only the information needed to make an initial assessment of the family’s eligibility, and to determine the family’s placement on the waiting list. The family will be required to provide all information necessary to establish family eligibility and the amount of rent the family will pay when the family is selected from the waiting list.

🞎 *Option 3: Use another PHA-established policy. Edit the model ACOP language or delete it and insert the PHA’s policy.*

**☑ Decision Point: How may applicants obtain and return applications?**

Things to Consider

* The model ACOP specifies how application forms can be obtained, and how they must be submitted to the PHA. The model policy allows the family to pick an application form up in person, through the PHA’s website, or to ask the PHA to mail or email the application. It permits the PHA to accept applications delivered in person, by mail, electronically by email, or by fax.
* If the PHA accepts online applications, the PHA should select Option 2 and describe the PHA’s online application process. Online applications must be accessible to individuals who are blind or visually impaired and must be translated into other languages as necessary in accordance with LEP requirements. If a PHA accepts online applications, accepting applications by other means as a reasonable accommodation is also required. For example, PHAs may assist with the completion of applications during home visits upon request.
* Depending on the technical systems and expertise available in your office, you may choose to either expand or limit these options. For example, a PHA might choose not to accept applications by fax if it has experienced difficulty obtaining legible documents this way. Another PHA with a sophisticated website might offer families the option of obtaining an application online and submitting it by email or some other way electronically. If you wish to distribute or accept applications through other means, you must edit the model ACOP accordingly.
* PHAs should use various strategies to avoid application intake procedures that may disproportionately exclude protected class applicants or other underserved groups or cause a safety concern for the public and PHA staff. Offering only one central location to submit applications under such circumstances is not adequate. In addition, requiring applications to be picked up and/or submitted in person can function as a barrier, unjustifiably excluding potential applicants who cannot travel to the property because they have a disability, do not live in the neighborhood, have inflexible work schedules or caretaking responsibilities, or other reasons. Distributing and accepting applications only during a narrow window of time, such as one day or a few hours over several days, can operate similarly. Broader application distribution and acceptance requirements can reduce disparities; especially given the ease of digital communication. Examples include making applications available on a PHA’s website, distributing applications to community contacts throughout the market area, and accepting applications through a variety of methods, including in-person, mail, and email. PHAs may consider allowing applications to be picked-up and dropped off outside of regular business hours, including evenings and weekends; ideally at multiple locations. [New PH OCC GB, *Waiting List and Tenant Selection,* p. 5].
* PHAs may consider accepting paper applications on-site during regular office hours either by appointment or on a walk-in basis. Accepting applications by appointment may eliminate long applicant lines and excessive waiting times, thereby promoting good customer service. Accepting applications by appointment may also be advisable in cases where staff are not available full-time to take applications or if there is an insufficient volume of applicants to warrant a full-time employee dedicated to this activity. If appointments are required, the PHA should ensure that enough appointment slots are available to accommodate everyone who wants to apply and add additional appointments if needed.
* PHAs are encouraged to offer the option to schedule an appointment or drop off applications during early morning, evening, or weekend hours to accommodate applicants who may be unable to appear during regular business hours due to work obligations, inability to obtain childcare or transportation, or other hardship reasons. PHAs may also consider allowing applications to be dropped off at any time through a mail slot or collection box.
* In addition to accepting applications on-site, HUD encourages PHAs to designate alternative sites throughout the housing market area for applicants to pick up and submit applications for assistance (e.g., community centers, libraries, or service providers).
* PHAs may also establish one or more centralized application centers with shared staff from various PHAs.
* A walk-in approach may work well if the PHA has enough staff to handle the demand and the demand is low enough to maintain an orderly office environment without requiring excessive wait times. Smaller PHAs may find taking paper applications on a walk-in basis particularly useful as there will generally only be a small number of applicants and they may be able to advise of missing or incomplete items at that time.
* Instead of or in addition to allowing applicants to apply in person, PHAs are encouraged to have applicants obtain applications and return the completed forms via mail, email, online (e.g. the PHA’s website), or fax. These methods reduce barriers for applicants who have difficulty traveling to the PHA office because of a disability, work, or family care responsibilities, or because the family lives in another neighborhood within the PHA’s market area or is living out-of-state and interested in relocating to the PHA’s area. It is ideal if a pre-application form is used and can be printed from the internet or picked up from various locations throughout the housing market area, such as libraries.

🞎 *Option 1:* *Use the model ACOP language shown below. No changes to the model ACOP are needed.*

Families may obtain application forms from the PHA’s website or from the PHA’s office during normal business hours. Families may also request – by telephone, mail, or email – that an application form be sent to the family via first class mail or via email.

Completed applications must be returned to the PHA by mail, email, fax, or submitted in person during normal business hours.

Applications must be filled out completely in order to be accepted by the PHA for processing. If an application is incomplete, the PHA will notify the family of the additional information required.

🞎 *Option 2: Use another PHA-established policy. Edit the model ACOP language or delete it and insert the PHA’s policy.*

**4-I.C. ACCESSIBILITY OF THE APPLICATION PROCESS   
[24 CFR 8; PH Occ GB, p. 68]**

The PHA must take a variety of steps to ensure that the application process is accessible to those people who might have difficulty complying with the standard PHA application process. This could include people with disabilities, certain elderly individuals, as well as persons with limited English proficiency (LEP). Policies related to reasonable accommodations for persons with disabilities, and people with limited English proficiency are contained in Chapter 2.

**No policy decisions are required.**

**4-I.D. PLACEMENT ON THE WAITING LIST**

The PHA must review each completed application received and make a preliminary assessment of the family’s eligibility.

**Ineligible for Placement on the Waiting List [24 CFR 960.208(a) and PH Occ GB, p. 41]**

**☑ Decision Point: How and when will the PHA notify a family that has been determined ineligible and will not be placed on the waiting list?**

Things to Consider

* HUD requires the PHA to provide written notice to let the family know when the PHA has determined the family to be ineligible. The model ACOP states what the notice must include.
* The model ACOP states that the PHA will notify a family of its ineligibility within 10 business days of receiving a completed application. This time frame (10 business days) is consistent with policies elsewhere in the ACOP.

🞎 *Option 1:* *Use the model ACOP language shown below. No changes to the model ACOP are needed.*

If the PHA determines from the information provided that a family is ineligible, the family will not be placed on the waiting list. When a family is determined to be ineligible, the PHA will send written notification of the ineligibility determination within 10 business days of receipt of the completed application. The notice will specify the reasons for ineligibility and will inform the family of its right to request an informal hearing and explain the process for doing so (see Chapter 14).

🞎 *Option 2: Use another PHA-established policy. Edit the model ACOP language or delete it and insert the PHA’s policy.*

**Eligible for Placement on the Waiting List**

**☑ Decision Point: How will the PHA inform the family of their apparent eligibility and placement on the waiting list?**

Things to Consider

* No requirement exists to provide a written notice to families where the PHA has determined the family to be *eligible* and has placed the family on the waiting list. While the HCV Guidebook (pg. 4-14) instructs PHAs to “inform” those applicants that are determined potentially eligible of their status, the Public Housing Occupancy Guidebook gives no guidance here. The model ACOP calls for informing families in writing to minimize phone calls and confusion for applicants.
* The model policy states that the notice will inform the family of their apparently eligible status and of any waiting list preference(s) for which the family appears to qualify.
* Errors in assigning preferences can have a profound impact on a family’s wait for housing. By providing this information, the PHA allows the family to verify that it has made an accurate assessment of the preferences for which the family qualifies. Generally, however, the PHA will not be verifying preference status at the time of initial application, and will simply be relying on the information provided by the family on the application.
* The PHA may wish to specify the approximate wait-time for eligible families to be selected from the waiting list. This information can help give the family a realistic expectation about how long it will have to wait to be housed. On the other hand, the PHA may have a difficult time estimating wait-time, and therefore may not want to provide this information to applicants.
* Although the model ACOP does not include a provision for informing apparently eligible families of their relative “place” on the waiting list, or their approximate wait time, Option 2 provides alternative policy language. Your PHA may want to revise this language to reflect any additional actions your PHA takes in relation to communicating with apparently eligible applicant families.
* Another alternative the PHA may consider is simply notifying the family of their apparent eligibility without providing any further information regarding preference status, “place” on the waiting list, or approximate wait time (see Option 3).

🞎 *Option 1:* *Use the model ACOP language shown below. No changes to the model ACOP are needed.*

The PHA will send written notification of the preliminary eligibility determination within 10 business days of receiving a completed application. If applicable, the notice will also indicate the waiting list preference(s) for which the family appears to qualify.

🞎 *Option 2: Delete the model ACOP language and substitute the language shown below.*

The PHA will send written notification of the preliminary eligibility determination within 10 business days of receiving a complete application.

For apparently eligible families that are placed on the waiting list, the notice will indicate the family’s relative place on the waiting list and the approximate length of time that the family can expect to wait before being selected from the waiting list. If applicable, it also will indicate the waiting list preference(s) for which the family appears to qualify.

🞎 *Option 3: Delete the model ACOP language and substitute the language shown below.*

The PHA will send written notification of the preliminary eligibility determination within 10 business days of receiving a complete application.

🞎 *Option 4: Use another PHA-established policy. Edit the model ACOP language or delete it and insert the PHA’s policy.*

**☑ Decision Point: What system will the PHA use for placing apparently eligible families on the waiting list?**

Things to Consider

* The model ACOP states that applicants will be placed on the waiting list according to PHA preferences and the date and time a complete application is received.
* The PHA could use the simplest of systems and place applicants on the waiting list according to the date and time their complete application is received (see Option 2). Before going to date and time only, PHAs should check state and local law to see if they are required to use certain preferences, such as a preference for veterans.
* PHAs may also use a lottery or other random choice technique to place families on the waiting list. In this case, PHAs usually accept applications for a designated period of time. After applications are no longer being accepted, the PHA takes the applications that were submitted and by lottery assigns a number to each application. The applications are then placed on the waiting list in the order of the numbers they were assigned (see Option 3). In making this determination, PHAs should note that use of a lottery can help promote compliance with fair housing and civil rights requirements by ensuring that all applicants have an equal opportunity to be selected.
* Placing applicants on a waiting list pursuant to lottery rather than by prioritizing those who are first to apply is similarly likely to yield a more diverse tenant body, particularly when there is very high demand for the property [New PH OCC GB, *Waiting List and Tenant Selection,* p. 6].
* Option 4 combines the use of PHA preferences with a lottery system.
* If a PHA chooses not to use preferences or decides to use a lottery system rather than using date and time of application, the policy in Section 4-III.B., Selection Method, will need to be changed to match the policy here.

🞎 *Option 1:* *Use the model ACOP language shown below. No changes to the model ACOP are needed.*

Applicants will be placed on the waiting list according to PHA preference(s) and the date and time their complete application is received by the PHA.

🞎 *Option 2: Delete model ACOP language and substitute language as shown below.*

Applicants will be placed on the waiting list according to the date and time their complete application is received by the PHA.

🞎 *Option 3: Delete model ACOP language and substitute language as shown below.*

Applicants will be placed on the waiting list using a lottery system. Once each application has been randomly assigned a number, the applications will be placed on the waiting list in order of the assigned numbers.

🞎 *Option 4: Delete model ACOP language and substitute language as shown below.*

Applicants will be placed on the waiting list according to PHA preference(s) and a lottery system. Once each application has been randomly assigned a number, the applications will be placed on the waiting list in order of the assigned numbers within their respective preference categories.

🞎 *Option 5: Use another PHA-established policy. Edit the model ACOP language or delete it and insert the PHA’s policy.*

**☑ Decision Point: How will the PHA handle complying with occupancy standards in placing applicants on the waiting list?**

Things to Consider

* The PHA must organize the waiting list in a way that ensures applicants are offered units in compliance with occupancy standards.
* The Public Housing Occupancy Guidebook notes that a waiting list is typically divided into “sub-lists” by unit type and size [PH Occ GB p. 30].
* The model ACOP allows applicants to request placement on the waiting list for a smaller unit, but limits administrative burden and expense by requiring the agreement of the family not to request a transfer for a period of two years after admission, unless there is a change in family size or composition.

🞎 *Option 1:* *Use the model ACOP language shown below. No changes to the model ACOP are needed.*

The PHA will assign families on the waiting list according to the bedroom size for which a family qualifies as established in its occupancy standards (see Chapter 5). Families may request to be placed on the waiting list for a unit size smaller than designated by the occupancy guidelines (as long as the unit is not overcrowded according to PHA standards and local codes). However, in these cases, the family must agree not to request a transfer for two years after admission, unless they have a change in family size or composition.

Placement on the waiting list does not indicate that the family is, in fact, eligible for admission. When the family is selected from the waiting list, the PHA will verify any preference(s) claimed and determine eligibility and suitability for admission to the program.

🞎 *Option 2: Use another PHA-established policy. Edit the model ACOP language or delete it and insert the PHA’s policy.*

**PART II: MANAGING THE WAITING LIST**

**4-II.A. OVERVIEW**

This section provides a brief overview of the key issues discussed in Part II.

**No policy decisions are required.**

**4-II.B. ORGANIZATION OF THE WAITING LIST [24 CFR 960.206]**

**☑ Decision Point: What applicant information will the waiting list contain?**

Things to Consider

* The PHA’s waiting list must be organized so that the PHA can accurately identify and select families in the proper order.
* The regulations do not specify what information the waiting list must contain. However, the Public Housing Occupancy Guidebook provides a list of items specific to the needs of public housing, but not unlike the list provided in the HCV regulations [PH Occ GB p. 31]. The model ACOP has adopted the Guidebook list and has added an additional item to cover those PHAs that elect to adopt site-based waiting lists.
* A PHA could decide, considering their own policies, that some items in the model ACOP list are not necessary, or that there are items that should be added to the list. Such PHAs will want to either add or delete items from the list in the model ACOP.

🞎 *Option 1:* *Use the model ACOP language shown below. No changes to the model ACOP are needed.*

The waiting list will contain the following information for each applicant listed:

Name and social security number of head of household

Unit size required (number of family members)

Amount and source of annual income

Accessibility requirement, if any

Date and time of application or application number

Household type (family, elderly, disabled)

Admission preference, if any

Race and ethnicity of the head of household

The specific site(s) selected (only if PHA offers site-based waiting lists)

🞎 *Option 2: Use another PHA-established policy. Edit the model ACOP language or delete it and insert the PHA’s policy.*

**☑ Decision Point: Will the PHA have a community wide waiting list or will the PHA have site-based waiting lists?**

Things to Consider

* PHAs may adopt a single community wide waiting list or, if the PHA qualifies and elects to do so in its annual plan, a site-based waiting list system [24 CFR 903.7(b)(2)].
* Most PHAs use a community wide list with one master waiting list, divided into sub-lists by the type and size of unit. Applicants are not asked their preference of location, although they may refuse an offer for “good cause”, which includes various location-related elements. If a PHA adopts a community wide waiting list it should keep applications in sequence, based upon type and size of unit, preferences, and date and time or application number (if lottery system) [PH Occ GB p. 32].
* A site-based list is a separate list for a specific site or sites. Although it may be centrally administered, a system of site-based lists allows applicants to select the developments where they will accept unit offers. Site-based lists must be consistent with all applicable civil rights and fair housing laws and regulations [24 CFR 903.7(b)(2)]. If a PHA wishes to operate a site-based waiting list system it must obtain approval from HUD as part of the PHA’s annual plan approval process [PH Occ GB pp. 32 and 33].
* The model ACOP calls for a single community wide waiting list. If your PHA is using a site-based waiting list system, selectOption 2.

🞎 *Option 1:* *Use the model ACOP language shown below. No changes to the model ACOP are needed.*

The PHA will maintain one single community-wide waiting list for its developments. Within the list, the PHA will designate subparts to easily identify who should be offered the next available unit (i.e. mixed population developments, general occupancy developments, unit size, and accessible units).

The PHA will not adopt site-based waiting lists.

🞎 *Option 2:* *Delete model ACOP language and substitute language as shown below.*

The PHA will maintain a site-based waiting list system, with separate waiting lists for each of the following sites within the PHA’s public housing stock:

***[List here sites for which you have established a separate waiting list]***

The PHA’s site-based waiting list policies are as follows:

***[Describe here the specific policies for your waiting list system]***

🞎 *Option 3: Use another PHA-established policy. Edit the model ACOP language or delete it and insert the PHA’s policy.*

**☑ Decision Point: Will the public housing waiting list be merged with other waiting lists?**

Things to Consider

* The PHA can either keep the public housing waiting list separate and independent, or merge it with other waiting lists [24 CFR 982.205(a)(1)]. Keeping the lists separate enables the PHA to quickly and easily identify only those applicants that are interested in and eligible for a particular program.
* However, the PHA must establish procedures to ensure that no family is inadvertently omitted from a waiting list for a program the family is qualified for and interested in.
* Merging the waiting lists eliminates the administrative challenge of placing families on multiple lists. However, it could complicate the selection process by requiring the PHA to sort through families who are not interested in public housing, in order to find the next family who is interested, when a unit becomes available.
* The model ACOP language calls for a separate, non-merged public housing waiting list. Your PHA may need to alter this language to fit your particular circumstances.

🞎 *Option 1:* *Use the model ACOP language shown below. No changes to the model ACOP are needed.*

The PHA will not merge the public housing waiting list with the waiting list for any other program the PHA operates.

🞎 *Option 2: Delete model ACOP language and substitute language as shown below.*

The public housing waiting list is merged with the following program(s):

***[List the programs with which your public housing waiting list is merged]***

🞎 *Option 3: Use another PHA-established policy. Edit the model ACOP language or delete it and insert the PHA’s policy.*

**4-II.C OPENING AND CLOSING THE WAITING LIST**

**Closing the Waiting List**

**☑ Decision Point: How will the PHA determine when to close its waiting list?**

Things to Consider

* A PHA has flexibility to determine whether to keep the waiting list open indefinitely or whether to open the waiting list periodically for defined application periods to refresh the applicant pool, serve particular outreach and diversity objectives, market particular bedroom size units, developments, or neighborhoods, or meet other admissions objectives.
* PHAs are encouraged to make this determination only after careful analysis and consideration of all circumstances, including whether the length of the waiting list makes the wait for housing unreasonably long or whether there is a sufficient number of eligible applicants to ensure that new and turnover units are occupied as quickly as possible.
* HUD permits the PHA to close the waiting list if it has an adequate pool of families to fully lease units in all of its developments but does not define what constitutes an “adequate pool.” The Public Housing Occupancy Guidebook suggests that application-taking should stop when the anticipated wait reaches a year or more [PH OCC GB p. 31].
* PHAs are encouraged to consider closing the waiting list when they do not have sufficient available units to assist all applicants on the waiting list over a reasonable period of time. Although the PHA has the discretion to define what “a reasonable period of time” is, as a best practice, a reasonable waiting period is generally within 12 to 24 months [New PH OCC GB, *Waiting List and Tenant Selection,* p. 11].
* There is no HUD requirement for a public notice to close the waiting list; however, it may be added at the PHA’s option (see Option 2).
* PHAs may elect to continue accepting applications from certain categories of families that meet particular preferences or other criteria such as development type, unit size, or unit type, despite the fact that they are closing the waiting list to other families [PH Occ GB p. 31]. Generally, the PHA would exercise this option when the number of applicants on the waiting list that meet such preferences or criteria, is not sufficient to fill the vacancies that will become available during the period the PHA expects the waiting list to be closed.

🞎 *Option 1:* *Use the model ACOP language shown below. No changes to the model ACOP are needed.*

The PHA will close the waiting list when the estimated waiting period for housing applicants on the list reaches 24 months for the most current applicants. Where the PHA has particular preferences or other criteria that require a specific category of family, the PHA may elect to continue to accept applications from these applicants while closing the waiting list to others.

🞎 *Option 2: Edit the model ACOP language by filling in the blanks below.*

The PHA will close the waiting list when the estimated waiting period for housing applicants on the list reaches \_\_\_ months for the most current applicants. Where the PHA has particular preferences or other criteria that require a specific category of family, the PHA may elect to continue to accept applications from these applicants while closing the waiting list to others.

The PHA will announce by public notice the closing of the waiting list. If the list remains open to certain categories of families, this information will be contained in the notice. The notice will be published at least \_\_\_ days prior to the PHA closing the list.

🞎 *Option 3: Use another PHA-established policy. Edit the model ACOP language or delete it and insert the PHA’s policy.*

**Reopening the Waiting List**

**☑ Decision Point: How will the PHA announce that the waiting list will be reopened?**

Things to Consider

* The public housing regulations do not address the subject of reopening the waiting list or whether public notice is required to do so. However, in the Housing Choice Voucher program it is regulatory to give public notice and the Public Housing Occupancy Guidebook references the HCV regulations in this matter [PH Occ GB, p. 31]. The model ACOP elects to provide notice, using the Guidebook as safe harbor. Any such notice must comply with HUD fair housing requirements [24 CFR 903.2(d)] and should specify who may apply, and where and when applications will be received.
* Any ACOP policy to give such notice should specify how the PHA will notify the public when the waiting list is to be reopened by listing the media outlets the PHA will always use. Including this list in the ACOP does not prevent the PHA from giving notice in additional media outlets.
* The New Public Housing Occupancy Guidebook states “Any public notice announcing a waiting list opening and application procedure should be simple, direct, and clear but with sufficient detail to inform applicants of the date, time, method, and place applications can be obtained and submitted, how blank applications may be obtained (e.g., from what addresses, community sites, and websites), all methods by which applications will be accepted (e.g., in person, by phone, by fax, by email), a point of contact who can answer questions, any limitations on who may apply, and any other information the applicant may need to successfully submit the application.” As such, Option 1 and 2 adopt this language [New PH OCC GB, *Waiting List and Tenant Selection,* p. 4].
* The New Public Housing Occupancy Guidebook also states “the notification process must also comply with HUD’s fair housing requirements, such as adopting suitable means to ensure that the notice reaches eligible individuals with disabilities and those with limited English proficiency. PH program regulations require that PHAs conduct affirmative outreach and marketing so that individuals of similar income levels in the housing market area have a like range of housing choices regardless of protected class. To ensure that public notices broadly reach potential applicants in all communities throughout the housing market area, PHAs are encouraged to distribute public notices to local community-based organizations, such as social service agencies and religious institutions; distribute the notice online through the PHA’s website or social media platforms and other online platforms for local housing news; and make use of any local newspapers of general circulation, minority media, and other suitable means.” As such, Option 1 and 2 adopt this language [New PH OCC GB, *Waiting List and Tenant Selection,* p. 5].
* The New Public Housing Occupancy Guidebook further states, “to ensure that the process for opening a waiting list does not violate fair housing and civil rights requirements, PHAs need to consider how best to provide a meaningful opportunity for a broad range of applicants from all communities in the housing market area to apply, including individuals with disabilities, families with children, and those of differing racial and ethnic groups. Requiring that applications be picked up or submitted in person may make it difficult for individuals with certain disabilities, those with family care responsibilities, or those who live in a different neighborhood to apply. Holding the waiting list open during a narrow window of time can operate as a similar barrier. Therefore, PHAs are encouraged to distribute and accept applications at multiple locations throughout the area and online. PHAs need to consider how long to hold open the waitlist so as to ensure that all potential applicants have a meaningful opportunity to apply (e.g., 30 days). PHAs also need to be mindful of equity and civil rights obligations when reopening waiting lists.
* A PHA must describe its prioritization system or whether it uses a lottery in any public notice of a waiting list opening and must clearly state that this system will be used to place applicants on the waiting list.

**CAUTION:** **You must insert information here. The model ACOP does not contain language that can be adopted as-is.**

🞎 *Option 1:* *Use the model ACOP language shown below. Insert the list of media outlets as indicated.*

The PHA will announce the reopening of the waiting list at least 10 business days prior to the date applications will first be accepted. If the list is only being reopened for certain categories of families, this information will be contained in the notice.

The notice will inform applicants of the date, time, method, and place applications can be obtained and submitted, how blank applications may be obtained (e.g., from what addresses, community sites, and websites), all methods by which applications will be accepted (e.g., in person, by phone, by fax, by email), a point of contact who can answer questions, any limitations on who may apply, and any other information the applicant may need to successfully submit the application. The PHA will describe its prioritization system or whether it uses a lottery and will clearly state that this system will be used to place applicants on the waiting list.

To ensure that public notices broadly reach potential applicants in all communities throughout the housing market area, the PHA will distribute public notices to local community-based organizations, such as social service agencies and religious institutions; distribute the notice online through the PHA’s website or social media platforms and other online platforms for local housing news; and make use of any local newspapers of general circulation, minority media, and other suitable means.

The PHA will give public notice by publishing the relevant information using the following media outlets:

***[List here newspapers/other media where notices will be published]***

🞎 *Option 2: Edit the model ACOP language by filling in the blanks below.*

The PHA will announce the reopening of the waiting list at least \_\_days prior to the date applications will first be accepted. If the list is only being reopened for certain categories of families, this information will be contained in the notice.

The notice will inform applicants of the date, time, method, and place applications can be obtained and submitted, how blank applications may be obtained (e.g., from what addresses, community sites, and websites), all methods by which applications will be accepted (e.g., in person, by phone, by fax, by email), a point of contact who can answer questions, any limitations on who may apply, and any other information the applicant may need to successfully submit the application.

To ensure that public notices broadly reach potential applicants in all communities throughout the housing market area, the PHA will distribute public notices to local community-based organizations, such as social service agencies and religious institutions; distribute the notice online through the PHA’s website or social media platforms and other online platforms for local housing news; and make use of any local newspapers of general circulation, minority media, and other suitable means.

The PHA will give public notice by publishing the relevant information using the following media outlets:

***[List here newspapers/other media where notices will be published]***

🞎 *Option 3: Use another PHA-established policy. Edit the model ACOP language or delete it and insert the PHA’s policy.*

**4-II.D. FAMILY OUTREACH [24 CFR 903.2(d); 24 CFR 903.7(a) and (b)]**

HUD requires PHAs, in their marketing strategies, to comply with Fair Housing Act requirements and with regulations to affirmatively further fair housing. Such outreach efforts should overcome the effects of conditions which have resulted in, or may result in, limiting participation of persons because of their race, color, religion, sex, disability, familial status, or national origin.

**☑ Decision Point: How will the PHA determine what outreach is appropriate and what specific strategies should be undertaken?**

Things to Consider

* If the PHA has a standard list of other media outlets that it uses, those may be included in a local policy on outreach. However, in general, additional outreach efforts are usually very purpose-specific. In other words, the PHA is undertaking additional outreach in order to meet specific objectives of reaching underserved populations, reaching extremely low-income families, furthering fair housing objectives, among others. For this reason, PHAs are better served to consider the situation and assess the appropriateness of various media outlets on an as-needed basis.
* The policy in the model ACOP states that the PHA will monitor the characteristics of the public housing population, and will undertake outreach as needed and in order to fit the specific situation. It does not list specific outreach strategies, since such strategies must be adapted on an ongoing basis, based on the market area analyses and information about the success or failure of past outreach efforts.

🞎 *Option 1:* *Use the model ACOP language shown below. No changes to the model ACOP are needed.*

The PHA will monitor the characteristics of the population being served and the characteristics of the population as a whole in the PHA’s jurisdiction. Targeted outreach efforts will be undertaken if a comparison suggests that certain populations are being underserved.

🞎 *Option 2: Use another PHA-established policy. Edit the model ACOP language or delete it and insert the PHA’s policy.*

**4-II.E. REPORTING CHANGES IN FAMILY CIRCUMSTANCES**

The family should be required to notify the PHA when there are changes in the information provided on the application in order to allow the PHA to select families from the waiting list accurately and efficiently.

**☑ Decision Point: What types of changes must the family report to the PHA and what will the PHA do as a result of the reported changes?**

Things to Consider

* The model ACOP specifies that the family must report changes in preference, family size/composition, or contact information including current residence, mailing address, and phone number. This policy does not prevent a family from reporting other changes.
* Your PHA may wish to adopt additional reporting requirements, such as changes in income or income source. In deciding whether to require families to report other changes, the PHA would need to balance the burden, both for the family and the PHA, of reporting and processing multiple changes while on the waiting list against the value and usefulness of that information for selection purposes.
* Keep in mind, an applicant family’s information will generally be updated on a regular basis when the PHA purges the waiting list. It will also be updated at the time the family is selected from the waiting list.

🞎 *Option 1:* *Use the model ACOP language shown below. No changes to the model ACOP are needed.*

While the family is on the waiting list, the family must inform the PHA, within 10 business days, of changes in family size or composition, preference status, or contact information, including current residence, mailing address, and phone number. The changes must be submitted in writing.

Changes in an applicant's circumstances while on the waiting list may affect the family's qualification for a particular bedroom size or entitlement to a preference. When an applicant reports a change that affects their placement on the waiting list, the waiting list will be updated accordingly.

🞎 *Option 2: Use another PHA-established policy. Edit the model ACOP language or delete it and insert the PHA’s policy.*

**4-II.F. UPDATING THE WAITING LIST**

An out-of-date waiting list can hamper the PHA’s efforts to process applicants efficiently when vacancies occur. To keep the waiting list current, the PHA is permitted to contact families on the waiting list periodically to reconfirm their interest, and to “purge” the list of families that are no longer interested, no longer eligible, or no longer reachable.

**Purging the Waiting List [24 CFR 960.202(a)(2)(iv)]**

**☑ Decision Point: How often will the PHA purge the waiting list?**

Things to Consider

* HUD does not specify how often the waiting list should be updated.
* Keeping an updated waiting list is important because it not only ensures that all applicants meet eligibility or tenant selection criteria, but it may also limit delays in leasing activities. Failure to keep the waiting list current may result in an increase of “no-shows” and ineligible determinations as information provided during the initial application process may become outdated or applicants may no longer be interested in assistance.
* Purging should occur often enough to ensure that the waiting list is as current as possible, so that when the PHA contacts families at the top of the waiting list with invitations to attend an interview, the PHA is able to accurately predict the number of responses it will receive. However, purging the list too frequently results in unnecessary effort for both the PHA and the families.
* When considering purging the waiting list, HUD suggests that the PHA consider the timeframe in which the PHA can provide assistance to applicants, the average number of families that need to be considered for a positive eligibility determination, the length of the waiting list, and the amount of staff and financial resources available [New PH OCC GB, *Waiting List and Tenant Selection,* p. 9].
* The appropriate frequency for updating the waiting list will depend in part on the size of the waiting list, and in part on the nature of the community. The model ACOP states that the list will be updated as needed, to give the PHA maximum flexibility.

🞎 *Option 1:* *Use the model ACOP language shown below. No changes to the model ACOP are needed.*

The waiting list will be updated as needed to ensure that all applicant information is current and timely.

🞎 *Option 2: Use another PHA-established policy. Edit the model ACOP language or delete it and insert the PHA’s policy.*

**☑ Decision Point: How will families be notified of the update request and what will the request contain?**

Things to Consider

* HUD does not specify how families should be notified of the update request or how they should be asked to respond to the PHA.
* Some PHAs begin the process of updating their waiting list using various communication methods requiring waiting list applicants to verify their continued interest and complete a new preliminary application providing all information needed for placement on the waiting list. Some smaller agencies require applicant families to contact the PHA to express continued interest in the program at regular intervals, such as every six months. The ACOP should describe this process and what will happen if the applicant does not submit required information by the PHA’s deadline.
* Practices requiring a fixed mailing address can pose barriers for individuals experiencing housing insecurity or homelessness, who may be most in need of assistance. PHAs are encouraged to consider soliciting from applicants their preferred method(s) of communication, which may include mail, phone, text message, email, or contact through a representative or service provider.

🞎 *Option 1:* *Use the model ACOP language shown below. No changes to the model ACOP are needed.*

To update the waiting list, the PHA will send an update request via first class mail or email to each family on the waiting list to determine whether the family continues to be interested in, and to qualify for, the program.

As part of the initial pre-application or application, the PHA will ask the family for their preferred methods of communication, which may include mail, phone, text message, email, or contact through a representative or service provider.

This update request will be sent to the last address or email that the PHA has on record for the family as well as any additional contact methods identified by the family. The update request will provide a deadline by which the family must respond and will state that failure to respond will result in the applicant’s name being removed from the waiting list.

🞎 *Option 2: Use another PHA-established policy. Edit the model ACOP language or delete it and insert the PHA’s policy.*

**☑ Decision Point: How much time does the family have to respond to the update request and what will happen if the family doesn’t respond within the specified time frame?**

Things to Consider

* HUD leaves it to the PHA to determine the amount of time families will be given to respond to an update request, and the number of contact attempts that will be made.
* The model ACOP allows 15 business days for an applicant family to respond to the purge letter. This response time is longer than the standard response time of 10 business days used throughout much of this ACOP. An increased response time is advisable in this circumstance due to the seriousness of the consequences if the family’s response is not received in a timely manner.
* Although a shorter time frame is not recommended, PHAs may want to allow more than 15 business days to respond (e.g. 30 calendar days). If you choose to do this, simply edit the number of days in the model ACOP.
* The model ACOP states that responses may be delivered in person, by mail, by email, or by fax. If your PHA accepts other methods, the model ACOP will need to be edited to reflect this.
* The model ACOP states that families will only be contacted once for each purge of the waiting list. If a family doesn’t respond to the purge letter, the family will be removed from the waiting list without further notice.
* If a PHA wants to send more than one update notice prior to removing the family from the waiting list, see Option 2.

🞎 *Option 1:* *Use the model ACOP language shown below. No changes to the model ACOP are needed.*

The family’s response must be in writing and may be delivered in person, by mail, by email, or by fax. Responses should be postmarked or received by the PHA not later than 15 business days from the date of the PHA letter.

If the family fails to respond within 15 business days, the family will be removed from the waiting list without further notice.

🞎 *Option 2: Delete model ACOP language and substitute language as shown below.*

The family’s response must be in writing and may be delivered in person, by mail, by email, or by fax. Responses should be postmarked or received by the PHA not later than 15 business days from the date of the PHA letter.

If the family fails to respond within 15 business days, the family will be sent a second notice giving them 10 business days to respond in writing. If they fail to respond to the second notice within the required time frame, the family will be removed from the waiting list without further notice.

🞎 *Option 3: Use another PHA-established policy. Edit the model ACOP language or delete it and insert the PHA’s policy.*

**☑ Decision Point: What will the PHA do if the update notice is returned by the post office?**

🞎 *Option 1:* *Use the model ACOP language shown below. No changes to the model ACOP are needed.*

If the notice is returned by the post office with no forwarding address, the applicant will be removed from the waiting list without further notice.

If the notice is returned by the post office with a forwarding address, the notice will be re-sent to the address indicated. The family will have 15 business days to respond from the date the letter was re-sent. If the family fails to respond within this time frame, the family will be removed from the waiting list without further notice.

🞎 *Option 2: Use another PHA-established policy. Edit the model ACOP language or delete it and insert the PHA’s policy.*

**☑ Decision Point: Will the PHA permit the family to dispute their removal through an informal hearing? Under what circumstances will the PHA allow families, who do not respond to the update request within the required time frame, to be reinstated to the waiting list?**

Things to Consider

* Prior to removing an applicant from a waiting list, PHAs are encouraged to contact an unresponsive applicant through all means available, which may include via mail, phone, email, and text message. If possible, PHAs should use a variety of means to contact a family from the waitlist and give that family a reasonable period of time to respond with their interest so as to not inadvertently remove an applicant who remains interested but may have moved, changed their contact information, or otherwise are difficult to reach. Please note that an informal review under the PHA’s grievance policy is not required for such actions, but reinstatement may be required if the failure to respond was related to a family member’s disability or was on the basis or as a direct result of status as a victim of domestic violence, dating violence, sexual assault, stalking, or human trafficking, including an adverse factor resulting from such abuse [New PH OCC GB, *Waiting List and Tenant Selection,* p. 9].
* HUD regulations do not address disputes concerning the removal of a family due to failure to respond to an update. However, the Public Housing Occupancy Guidebook makes the distinction between removal due to ineligibility and removal for failure to respond. The Guidebook indicates that informal hearings are not required when removing a family due to failure to respond to an update [PH Occ GB, p. 40]. The model ACOP follows the safe harbor recommendations of the Guidebook.
* Carefully documenting the removal may help to prevent disputes. For example, some PHAs attach the original letter to the file with a note indicating the date and reason for removing the applicant from the waiting list. If the letter is returned because the addressee could not be located, the returned letter is also filed [PH OCC GB, p. 10].
* The model ACOP allows the PHA to reinstate someone to the waiting list but limits the reinstatement to cases of PHA error and circumstances beyond the family’s control. To ensure consistency, we recommend that this authority be limited to one position.

🞎 *Option 1:* *Use the model ACOP language shown below. No changes to the model ACOP are needed.*

When a family is removed from the waiting list during the update process for failure to respond, the PHA will contact an unresponsive applicant through all means available, which may include via mail, phone, email, and text message. The PHA will give that family a reasonable period of time to respond with their interest so as to not inadvertently remove an applicant who remains interested but may have moved, changed their contact information, or otherwise are difficult to reach. No informal hearing will be offered in such cases. Such failures to act on the part of the applicant prevent the PHA from making an eligibility determination; therefore, no informal hearing is required.

If a family is removed from the waiting list for failure to respond, the PHA may reinstate the family if the lack of response was due to PHA error, to circumstances beyond the family’s control, as a result of a family member’s disability, or as a direct result of status as a victim of domestic violence, dating violence, sexual assault, stalking, or human trafficking, including an adverse factor resulting from such abuse.

🞎 *Option 2: Use another PHA-established policy. Edit the model ACOP language or delete it and insert the PHA’s policy.*

**Removal from the Waiting List**

**☑ Decision Point: What will the PHA do when an applicant requests that their name be removed from the waiting list, or the PHA receives information that a family is ineligible for assistance after the family has already been placed on the waiting list?**

Things to Consider

* When a family requests to be removed from the waiting list, the PHA has no option but to remove their name. An offer to dispute the removal would be pointless. However, such removals are not addressed by HUD and would therefore fall into the realm of PHA policy.
* When a family is removed from the waiting list due to ineligibility, it is regulatory that the PHA notify the family, providing the reasons they were denied and the opportunity to an informal hearing [24 CFR 960.208(a)]. However, the regulations do not explain how notification is to take place. The model ACOP provides that the notice will be in writing and mailed to the family’s last known address and also to any alternate address provided on the application.

🞎 *Option 1:* *Use the model ACOP language shown below. No changes to the model ACOP are needed.*

The PHA will remove an applicant from the waiting list upon request by the applicant family. In such cases no informal hearing is required.

If the PHA determines that the family is not eligible for admission (see Chapter 3) at any time while the family is on the waiting list the family will be removed from the waiting list.

If a family is removed from the waiting list because the PHA has determined the family is not eligible for admission, a notice will be sent to the family’s address of record as well as to any alternate address provided on the initial application. The notice will state the reasons the family was removed from the waiting list and will inform the family how to request an informal hearing regarding the PHA’s decision (see Chapter 14) [24 CFR 960.208(a)].

🞎 *Option 2: Use another PHA-established policy. Edit the model ACOP language or delete it and insert the PHA’s policy.*

**PART III: TENANT SELECTION**

**4-III.A. OVERVIEW**

The PHA must provide a copy of its tenant selection policies upon request to any applicant or tenant. The PHA may charge the family for providing a copy of its tenant selection policies [24 CFR 960.202(c)(2)].

**☑ Decision Point: Will the PHA charge families for copies of the tenant selection policies?**

🞎 *Option 1:* *Use the model ACOP language shown below. No changes to the model ACOP are needed.*

When an applicant or resident family requests a copy of the PHA’s tenant selection policies, the PHA will provide copies to them free of charge.

🞎 *Option 2: Delete the model ACOP language and insert the following text, filling in the blank line, below.*

When an applicant or resident family requests a copy of the PHA’s tenant selection policies, the PHA will provide copies to them for $\_\_\_\_\_\_\_\_\_.

🞎 *Option 3: Use another PHA-established policy. Edit the model ACOP language or delete it and insert the PHA’s policy.*

**4-III.B. SELECTION METHOD**

PHAs must describe the method for selecting applicant families from the waiting list, including the system of admission preferences that the PHA will use.

**Local Preferences [24 CFR 960.206]**

The PHA is permitted, but not required, to establish local preferences.

**☑ Decision Point: What local selection preferences will the PHA use?**

Things to Consider

* Some state laws require the PHA to establish certain preferences, for instance, for veterans and families of veterans. You need to check the laws of your state and add any statutory preference.
* If the PHA has a Housing Choice Voucher program, the PHA must offer, and if accepted, provide the family a selection preference for an appropriate-sized public housing unit that first becomes available for occupancy after the time period expires for an HCV family whose HAP contract is being terminated due to an owner failing to make required repairs within the required time frame, and who are unable to lease a new unit within the term of the voucher [24 CFR 982.404(e)(2)]. Note the PHA must offer this preference and therefore a policy stating the PHA will not have preferences is no longer allowable. The PHA may have a policy that allows for only this preference while otherwise using date and time of application, which is reflected in Option 2. **Note: Select Option 3 if the PHA does not have an HCV program.**
* Although preferences are specific to particular PHAs and dependent on local conditions, the model ACOP establishes a working preference since it is a common preference used to help PHAs encourage economic self-sufficiency and to promote deconcentration and income mixing.
* HUD specifically authorizes the PHA to establish certain types of preferences.
* A “residency” preference for a family that resides in a specified geographic area, or includes a family member who works, or has been notified that they are hired to work, in that geographic area. The preference cannot have the effect of disproportionately delaying or denying admission to members of protected classes. A residency requirement is prohibited.
* A preference for “working” families, where the head, spouse or sole member is employed. However, an applicant where the head and spouse, or sole member is a person age 62 or older, or is a person with disabilities, must also be given the benefit of this preference.
* A preference for a family that includes a family member who is a person with disabilities. However, there cannot be a preference for a specific disability.
* A preference for a family that includes a family member who is a victim of domestic violence, dating violence, sexual assault, stalking, or human trafficking.
* A preference for a family whose sole family member is elderly, displaced, homeless, or a person with disabilities, over other single-person families.
* A preference for non-public housing over income families paying the alternative non-public housing rent and who are on a non-public housing over-income lease who become income eligible low-income families as defined in 24 CFR 5.603 and are eligible for admission to the public housing program. A PHA whose policy is to terminate families after the 24 consecutive month grace period may not use this preference because the preference may not be applied to families who have vacated the public housing project.
* A working preference does not have to identify a minimum number of hours worked, however, the Public Housing Occupancy Guidebook states: “The PHA defines the number of hours that qualifies as employment (usually not fewer than 20 hours per week).”
* Because HUD requires the working preference to apply to “an applicant where the head and spouse, or sole member is a person age 62 or older, or is a person with disabilities,” and this rule is easily misunderstood, the model policy includes examples of when the working preference would apply to the elderly and/or persons with disabilities and when it would not.
* The model policy also adopts a preference for a family that includes a family member who is a victim of domestic violence, dating violence, sexual assault, stalking, or human trafficking who is seeking an emergency transfer under VAWA from one of the PHAs programs. The PHA may offer a more expansive preference for these individuals as well as those that have either been referred by a partnering service agency or consortia or is seeking an emergency transfer from the PHA’s Housing Choice Voucher program or other covered housing program operated by the PHA under VAWA.
* Although VAWA does not require such a preference, the law as well as HUD regulations and notices encourage PHAs to affirmatively address the needs of victims of domestic violence, dating violence, sexual assault, stalking, and human trafficking. Adopting a preference for such victims is one way to address these needs.
* While the PHA’s system of local preferences must be based on local housing needs and priorities, HUD recommends that a PHA’s local housing needs assessment specifically include people experiencing domestic violence, dating violence, sexual assault, stalking, or human trafficking.
* By addressing the needs of participants seeking an emergency transfer from the PHA’s housing choice voucher or other covered housing programs under VAWA, the policy allows victims who are assisted by the PHA to more quickly access an available unit without being placed on the bottom of the public housing waiting list.
* Notice PIH 2017-08 makes clear that in selecting partnering organizations, the PHA may not limit the source referrals to an agency, organization, or consortia that denies services to members of any federally protected class, such as an agency that limits referrals only to female victims. Since these agencies will be specific to the PHA’s area, the model policy must be edited to include the names of service agencies with which the PHA is partnering.
* The PHA is free to establish other preferences not addressed in the regulation, as long as they are based on local housing needs and priorities. The PHA is also free to limit the number of families that qualify for any given preference.
* If your PHA chooses to establish other or different preferences, you must add them to the model ACOP. Examples of additional local preferences a PHA may wish to adopt are:
* Veterans or surviving spouses of veterans
* Graduates of transitional housing programs
* Families who have been involuntarily displaced
* Families who are homeless or living in substandard housing
* Families paying more than 50% of their income for rent and utilities
* Families who have been involuntarily displaced:
* If a PHA offers a preference for families who have been involuntarily displaced, this term must be defined by the PHA. The preference could be broad and include displacement due to a disaster (e.g. fire, flood, earthquake), government action (e.g. code enforcement, public improvement), action by a housing owner that is beyond an applicant’s ability to control (e.g. conversion of a unit to non-residential use, owner wants the property for personal use), or it could be more narrowly defined.
* For example, such a preference could be restricted to families who have been displaced due to a natural disaster or other national emergency. It could be limited to families involuntarily displaced in federally declared disaster areas, or to those involuntarily displaced within the PHA’s jurisdiction, locality, or state.
* A PHA could adopt a preference for victims of a specific disaster (e.g., Hurricane Katrina) at the time of the disaster, and then remove the preference when it is no longer needed. It is important to note that this option is only practical if this type of change does not qualify as a significant amendment to the PHA plan, and the change can be made quickly enough to have the desired impact.
* Establishing preferences allows the PHA to target assistance to the populations most in need of assistance in the community. However, selection preferences make the waiting list management process more complex, make the process harder for families to understand, and may prevent families without preferences from ever being selected from the waiting list.
* If a PHA adopts multiple preferences, the policy should also specify the relationship between preferences. For example, do some preferences carry more weight than others? Should all preferences be treated equally regardless of preference? Is a family that qualifies for more than one preference housed before a family that qualifies for only one of the preferences (compounding preferences)?
* PHAs that adopt preferences must be sure that all preferences are clearly defined, and that the system (or hierarchy) of selection preferences is also clear. If adopted, these policies should appear in this section of the ACOP.
* Changes or additions to policies related to preferences must be consistent with policies for verification of preferences in Section 7-II.H. of the ACOP.
* For options on local preference policies, systems of selection preferences, and preference verification policies, please refer to Exhibit 4-1 at the end of this Chapter.

**CAUTION:** **You must insert information here. The model plan does not contain language that can be adopted as-is.**

🞎 *Option 1:* *Use the model ACOP language shown below. Insert the names of agencies with which the PHA will partner.*

Local preferences will be aggregated using a system in which each preference will receive an allocation of points. The more preference points an applicant has, the higher the applicant’s place on the waiting list.

The PHA will use the following local preferences:

**Emergency VAWA Transfer Preference (1 point):** The PHA will offer a preference to a family that includes a victim of domestic violence, dating violence, sexual assault, stalking, or human trafficking who are seeking an emergency transfer under VAWA from the PHA’s Housing Choice Voucher program or other covered housing program operated by the PHA.

**HCV Abatement-Effected Family Preference (2 points)**: The PHA will provide a preference for an HCV family whose HAP contract is being terminated due to an owner failing to make required repairs within the required time frame, and who were unable to lease a new unit within the term of the voucher.

Among applicants with the same preference points, date and time of application will be used to determine placement on the waiting list.

🞎 *Option 2: Delete the model ACOP language and insert the following text below.*

The PHA will provide a preference for an HCV family whose HAP contract is being terminated due to an owner failing to make required repairs within the required time frame, and who were unable to lease a new unit within the term of the voucher.

Otherwise, no local preferences have been established and the PHA will admit all other families based on date and time of application.

🞎 *Option 3: If the PHA does not have an HCV program, delete the model ACOP language and insert the following text below.*

The PHA will use the following local preference:

**Emergency VAWA Transfer Preference:** The PHA will offer a preference to a family that includes a victim of domestic violence, dating violence, sexual assault, stalking, or human trafficking who are seeking an emergency transfer under VAWA from any covered housing program operated by the PHA.

🞎 *Option 4: Use PHA-established policy. Edit the model ACOP language or delete it and insert the PHA’s policy.*

**Income Targeting Requirement [24 CFR 960.202(b)]**

**☑ Decision Point: How will the PHA ensure that it meets the extremely low-income (ELI) targeting requirements?**

Things to Consider

* HUD requires that extremely low-income (ELI) families make up at least 40 percent of the families admitted to the public housing program during the PHA’s fiscal year [24 CFR 960.202(b)(1)(i)]. ELI families are those with annual incomes at or below the federal poverty level or 30 percent of the area median income, whichever number is higher [*Federal Register* notice 6/25/14].
* In order to ensure that the PHA will meet its income-targeting requirement by the end of the fiscal year, the PHA will need to regularly monitor the income levels of its waiting list applicants and new admissions to the program. If the PHA finds that it is at risk of failing to meet this requirement, the PHA will need to select ELI families over non-ELI families.
* The model ACOP states that a PHA will select ELI families over other eligible families on an as-needed basis, in order to meet the income targeting requirement. This policy allows the PHA to ensure compliance with the targeting requirement, without adopting ELI as a preference category.

🞎 *Option 1:* *Use the model ACOP language shown below. No changes to the model ACOP are needed.*

The PHA will monitor progress in meeting the ELI requirement throughout the fiscal year. ELI families will be selected ahead of other eligible families on an as-needed basis to ensure that the income targeting requirement is met.

🞎 *Option 2: Use another PHA-established policy. Edit the model ACOP language or delete it and insert the PHA’s policy.*

**Mixed Population Developments [24 CFR 960.407]**

This section discusses the selection requirements for mixed population developments. **No policy decisions are required.**

**Units Designated for Elderly or Disabled Families [24 CFR 945]**

The PHA must obtain HUD approval before designating any development or portion of a development for elderly or disabled families.

**☑ Decision Point: Does the PHA have designated elderly or designated disabled housing? And if so, what specific tenant selection policies does the PHA have that are unique to its designated housing?**

Things to Consider

* The model ACOP states that the PHA does not have designated housing. If the PHA does have designated housing, the developments or portion of developments designated for either elderly or disabled families need to be listed in this policy.
* If the PHA has designated elderly housing it needs to determine if it has a need for a near elderly preference. If there is any risk that insufficient elderly families are on the waiting list for the designated elderly sites, the near-elderly preference would assure that such families would receive priority for this type of unit over families whose head and spouse/cohead are under 50 years of age. In Option 2 below, a policy for near-elderly preference is offered.

🞎 *Option 1:* *Use the model ACOP language shown below. No changes to the model ACOP are needed (Only for PHAs with no designated housing).*

The PHA does not have designated elderly or designated disabled housing at this time.

🞎 *Option 2: Delete the model ACOP language and insert the text below (For PHAs with designated housing and using a near-elderly preference).*

The PHA has designated housing. The PHA’s developments with designated housing are as follows:

***[List designated developments here, indicating location and whether disabled or elderly.]***

When there are insufficient elderly families on the waiting list who wish to reside in a designated elderly development, near-elderly families will receive a preference over other families for designated elderly units.

🞎 *Option 3: Use another PHA-established policy. Edit the model ACOP language or delete it and insert the PHA’s policy.*

**Deconcentration of Poverty and Income Mixing [24 CFR 903.1 and 903.2]**

This section provides a general description of deconcentration of poverty and income mixing and explains what types of developments are subject to requirements. **If your PHA does not have any “covered developments” that are subject to deconcentration of poverty and income mixing requirements, delete the next section “Steps for Implementation” from the model ACOP. To determine if your developments are subject to these requirements see 24 CFR 903.2(b)(1) and (2).**

***Steps for Implementation [24 CFR 903.2(c)(1)]***

Step 1. The PHA must determine the average income of all families residing in all the PHA's covered developments.

**☑ Decision Point: Will the PHA use the average or median method in the implementation process for deconcentration?**

Things to Consider

* HUD recommends the use of the average income of all families in all the PHA’s covered developments. However, if the PHA can show justification for using the median method, it may use the median instead of the average. If the PHA uses average income in Step 1 it must use the average in all other steps. Likewise, if the PHA uses median income, it must use the median method in all other steps.
* The model ACOP uses the safe harbor recommendation of average income.

🞎 *Option 1:* *Use the model ACOP language shown below. No changes to the model ACOP are needed.*

The PHA will determine the average income of all families in all covered developments on an annual basis.

🞎 *Option 2: Delete the model ACOP language and insert the text below.*

The PHA will determine the median income of all families in all covered developments on an annual basis.

Step 2. The PHA must determine the average income (or median income, if median income was used in Step 1) of all families residing in each covered development. The PHA has the option of adjusting its income analysis for unit size in accordance with procedures prescribed by HUD.

**☑ Decision Point: Will the PHA adjust its income analysis for unit size?**

Things to Consider

* If the PHA has a disproportionate number of units of a certain bedroom size in a particular covered development, it may use the two bedroom calculation multiplied by a HUD-established factor for all other bedroom sizes.
* The model ACOP does not adjust the income analysis for unit size. If the PHA believes that unit size adjustments would provide more accurate results it needs to change the policy in the model ACOP to reflect this.

🞎 *Option 1:* *Use the model ACOP language shown below. No changes to the model ACOP are needed.*

PHA will determine the average income of all families residing in each covered development (not adjusting for unit size) on an annual basis.

🞎 *Option 2: Delete the model ACOP language and insert the text below.*

The PHA will determine the **[average/median]** income of all families in each covered development, adjusting for unit size with procedures prescribed by HUD, on an annual basis.

Steps 3 and 4 must be conducted in accordance with the regulations. **No policy decisions are required.**

Step 5. Where the income profile for a covered development is not explained or justified in the annual plan submission, the PHA must include in its admission policy its specific policy to provide for deconcentration of poverty and income mixing.

**☑ Decision Point: What will be the PHA’s deconcentration policy?**

Things to Consider

* The PHA’s deconcentration policy will be a unique response to its local conditions and therefore the model ACOP does not offer a specific policy
* If the PHA is not subject to deconcentration and income mixing requirements as described in 24 CFR 903.2(b)(2) because its portfolio does not include any “covered developments” this entire section (including the policy) should be deleted from the ACOP.

**CAUTION:** **You must insert information here. The model ACOP does not contain language that can be adopted as-is.**

🞎 *Option 1: Use the model ACOP language shown below. Insert the PHA deconcentration policy where indicated below.*

For developments with average incomes outside the EIR the PHA will take the following actions to provide for deconcentration of poverty and income mixing:

***[Insert PHA policy here]***

🞎 *Option 2: Edit the model ACOP language or delete it and insert the PHA’s policy.*

**Order of Selection [24 CFR 960.206(e)]**

**☑ Decision Point: How will families be selected from the waiting list**?

Things to Consider

* The model policy calls for selecting families among preference categories using a first-come, first-served approach. A random choice (or lottery) method is also acceptable (see Options 3 and 4), but most PHAs select families on a first-come first-served basis. Therefore, this default policy has been included in the model ACOP.
* The nature of public housing requires that waiting lists be divided into sub-lists based upon unit size, unit type, and accessibility features needed. By matching unit and family characteristics, it is possible that families who are lower on the waiting list may receive an offer of housing ahead of families with an earlier date and time of application or higher preference status. This statement is included in the model ACOP.
* The model policy language clarifies that all selections from the waiting list will be made considering income targeting and deconcentration requirements and policies.
* The policy in this section must be consistent with the policy under Section 4-I.D, and the policy under “Local Preference” earlier in this section. If a PHA chooses not to offer preferences, or chooses to use the lottery option to place families on the waiting list, the language here will need to be edited accordingly (see options below).

🞎 *Option 1:* *For PHAs with local preferences and selecting by date and time, use the model ACOP language shown below. No changes to the model ACOP are needed.*

Families will be selected from the waiting list based on preference points. Among applicants with the same preference points, families will be selected on a first-come, first-served basis according to the date and time their complete application is received by the PHA.

When selecting applicants from the waiting list, the PHA will match the characteristics of the available unit (unit size, accessibility features, unit type) to the applicants on the waiting lists. The PHA will offer the unit to the highest-ranking applicant who qualifies for that unit size or type, or that requires the accessibility features.

By matching unit and family characteristics, it is possible that families who are lower on the waiting list may receive an offer of housing ahead of families with an earlier date and time of application or higher preference status.

Factors such as deconcentration or income mixing and income targeting will also be considered in accordance with HUD requirements and PHA policy.

🞎 *Option 2: For PHAs with no local preferences and selecting using date and time, delete the model ACOP language and insert the language below.*

Families will be selected from the waiting list on a first-come, first-served basis according to the date and time their complete application is received by the PHA.

When selecting applicants from the waiting list, the PHA will match the characteristics of the available unit (unit size, accessibility features, unit type) to the applicants on the waiting lists. The PHA will offer the unit to the highest-ranking applicant who qualifies for that unit size or type, or that requires the accessibility features.

By matching unit and family characteristics, it is possible that families who are lower on the waiting list may receive an offer of housing ahead of families with an earlier date and time of application.

Factors such as deconcentration or income mixing and income targeting will also be considered in accordance with HUD requirements and PHA policy.

🞎 *Option 3: For PHAs with no preferences and selecting using a lottery system, delete the model ACOP language and insert the language below.*

Families will be selected from the waiting list in numerical order based on the numbers that were assigned to each application, by lottery, at the time the applications were placed on the waiting list.

When selecting applicants from the waiting list, the PHA will match the characteristics of the available unit (unit size, accessibility features, unit type) to the applicants on the waiting lists. The PHA will offer the unit to the highest-ranking applicant who qualifies for that unit size or type, or that requires the accessibility features.

By matching unit and family characteristics, it is possible that families who are lower on the waiting list may receive an offer of housing ahead of families with a higher placement based on application number.

Factors such as deconcentration or income mixing and income targeting will also be considered in accordance with HUD requirements and PHA policy.

🞎 *Option 4: For PHAs with multiple local preferences and selecting using a lottery system, delete the model ACOP language and insert the text below.*

Families will be selected from the waiting list based on selection preference(s) for which they qualify, and in accordance with the PHA’s hierarchy of those preferences. Within each preference category, families will be selected in numerical order based on the numbers that were assigned to each application, by lottery, at the time the applications were placed on the waiting list.

When selecting applicants from the waiting list, the PHA will match the characteristics of the available unit (unit size, accessibility features, unit type) to the applicants on the waiting lists. The PHA will offer the unit to the highest-ranking applicant who qualifies for that unit size or type, or that requires the accessibility features.

By matching unit and family characteristics, it is possible that families who are lower on the waiting list may receive an offer of housing ahead of families with a higher placement based on application number and/or higher preference status.

Factors such as deconcentration or income mixing and income targeting will also be considered in accordance with HUD requirements and PHA policy.

🞎 *Option 5: Use another PHA-established policy. Edit the model ACOP language or delete it and insert the PHA’s policy.*

**4-III.C. NOTIFICATION OF SELECTION**

Once the family is selected from the waiting list, the PHA must notify the family and provide clear information about what the family must do to continue the application process [24 CFR 960.208]. Although HUD does not state in the public housing regulations that any particular information is required to be in the notice, the HCV regulations do require certain information to be provided. The model ACOP lists information the PHA should provide to the family.

**☑ Decision Point: How will the PHA notify the family that it has been selected from the waiting list, and clarify the next steps the family must take?**

🞎 *Option 1:* *Use the model ACOP language shown below. No changes to the model ACOP are needed.*

The PHA will notify the family by first class mail or email when it is selected from the waiting list.

The notice will inform the family of the following:

Date, time, and location of the scheduled application interview, including any procedures for rescheduling the interview

Who is required to attend the interview

Documents that must be provided at the interview to document the legal identity of household members, including information about what constitutes acceptable documentation

Documents that must be provided at the interview to document eligibility for a preference, if applicable

Other documents and information that should be brought to the interview

If a notification letter is returned to the PHA with no forwarding address, the family will be removed from the waiting list without further notice. Such failure to act on the part of the applicant prevents the PHA from making an eligibility determination; therefore, no informal hearing will be offered.

🞎 *Option 2: Use another PHA-established policy. Edit the model ACOP language or delete it and insert the PHA’s policy.*

**4-III.D. THE APPLICATION INTERVIEW**

HUD recommends, but does not require, the PHA to hold an interview with families selected from the waiting list. The interview allows the PHA to collect the information necessary to make a final eligibility determination and calculate the amount of rent the family will pay. The PHA must develop its own policies regarding whether to hold such interviews, and if so, the requirements for attending them.

**☑ Decision Point: Will the PHA require an in-person interview?**

Things to Consider

* The model ACOP calls for in-person interviews as recommended by HUD. If you choose not to hold in-person interviews, you should add your own policy discussion on how you will ensure that the PHA obtains complete information and all required signatures and documentation from the family.

🞎 *Option 1:* *Use the model ACOP language shown below. No changes to the model ACOP are needed.*

Families selected from the waiting list are required to participate in an eligibility interview.

🞎 *Option 2: Use another PHA-established policy. Edit the model ACOP language or delete it and insert the PHA’s policy.*

**☑ Decision Point: Who must attend the in-person interview?**

Things to Consider

* The policy should specify who must attend the interview. When there is no spouse or cohead, the head of household must attend the interview. If there is a spouse or cohead, the model ACOP encourages, but does not require, the head of household and the spouse/cohead to attend together, and permits the spouse/cohead to attend in lieu of the head of household.
* An alternative approach would be to require any spouse/cohead to attend the interview with the head of household, and make exceptions when this poses problems for the family. Encouraging but not requiring joint attendance relieves staff of the responsibility for determining when an exception should be made. In any case, forms that require signatures from adult family members who do not attend the interview must be returned to the PHA after the interview.

🞎 *Option 1:* *Use the model ACOP language shown below. No changes to the model ACOP are needed.*

The head of household and the spouse/cohead will be strongly encouraged to attend the interview together. However, either the head of household or the spouse/cohead may attend the interview on behalf of the family. Verification of information pertaining to adult members of the household not present at the interview will not begin until signed release forms are returned to the PHA.

🞎 *Option 2: Delete model ACOP language and substitute language as shown below.*

The head of household is required to attend the interview. Verification of information pertaining to adult members of the household not present at the interview will not begin until signed release forms are returned to the PHA.

🞎 *Option 3: Delete model ACOP language and substitute language as shown below.*

All adult family members are required to attend the interview.

🞎 *Option 4: Use another PHA-established policy. Edit the model ACOP language or delete it and insert the PHA’s policy.*

**☑ Decision Point: What proof of legal identity must be provided at the in-person interview?**

Things to Consider

* The PHA must ensure that the family selected and scheduled for the interview, and family actually attending the interview, are one and the same. To address this issue, the model ACOP requires proof of legal identity for a family representative – head, spouse, or cohead – at the interview. If your PHA has encountered significant problems in this area, you may wish to consider more stringent requirements for proof of identity for all family members at the time of interview.

🞎 *Option 1:* *Use the model ACOP language shown below. No changes to the model ACOP are needed.*

The interview will be conducted only if the head of household or spouse/cohead provides appropriate documentation of legal identity. (Chapter 7 provides a discussion of proper documentation of legal identity). If the family representative does not provide the required documentation, the appointment may be rescheduled when the proper documents have been obtained.

🞎 *Option 2: Use another PHA-established policy. Edit the model ACOP language or delete it and insert the PHA’s policy.*

**☑ Decision Point: How long will the PHA allow an applicant family who is otherwise eligible to retain its place on the waiting list pending disclosure and documentation of social security numbers?**

Things to Consider

* Notice PIH 2018-24 reiterates that the PHA must deny the eligibility of an applicant family unless each member of the household discloses an SSN and provides documentation of each SSN. However, the notice also states that if the family is otherwise eligible to participate in the program, the family may retain its place on the waiting list for a period of time determined by the PHA, which should be described in the PHA’s policies.
* Because the maximum amount of time that would be reasonable for a PHA to allow will vary, the model policy does not include a specified timeframe. The PHA’s application process and the family’s expected wait time, among other factors such as the PHA’s general practices, procedures, funding, and other time limits, all need to be considered in determining what a reasonable amount of time would be.
* Regardless of the maximum time a PHA allows, the notice states that if all household members have not disclosed their SSNs at the time a unit becomes available, the PHA must offer the available unit to the next eligible applicant family on the waiting list.

**CAUTION:** **You must insert information here. The model plan does not contain language that can be adopted as-is.**

🞎 *Option 1: Use the model policy language shown below. Insert the specified timeframe as needed.*

Pending disclosure and documentation of social security numbers, the PHA will allow the family to retain its place on the waiting list for ***[insert amount of time reasonable for PHA]***. If not all household members have disclosed their SSNs at the next time a unit becomes available, the PHA will offer a unit to the next eligible applicant family on the waiting list.

🞎 *Option 2: Use PHA-established policy. Edit the model ACOP language or delete it and insert the PHA’s policy.*

**☑ Decision Point: When will the PHA verify a family’s eligibility for a preference and what action will the PHA take once this is determined?**

Things to Consider

* The model policy clarifies that the PHA will verify a family’s preference at the time of the eligibility interview. However, the full interview will only take place if the family qualifies for the preference.
* This type of policy may cause the PHA to schedule interviews for families who ultimately do not qualify for a preference and are placed back on the waiting list. However, it allows the PHA to verify all eligibility issues in one interaction with the family.
* A PHA could choose to verify the preference as a separate step prior to inviting a family to an interview. In that case, additional language would need to be added to the previous section 4-III.C., Notification of Selection.
* If the PHA does not have any preferences this paragraph should be deleted from the policy (Option 2).

🞎 *Option 1:* *Use the model ACOP language shown below. No changes to the model ACOP are needed.*

If the family is claiming a waiting list preference, the family must provide documentation to verify their eligibility for a preference (see Chapter 7). If the family is verified as eligible for the preference, the PHA will proceed with the interview. If the PHA determines the family is not eligible for the preference, the interview will not proceed, and the family will be placed back on the waiting list according to the date and time of their application.

🞎 *Option 2: If you have no local preferences, delete this policy language from the model ACOP.*

🞎 *Option 3: Use another PHA-established policy. Edit the model ACOP language or delete it and insert the PHA’s policy*

**☑ Decision Point: How long does the family have to provide any missing information?**

Things to Consider

* Although the PHA informs the family what documents must be brought to the interview and gathers all of the information it can from the family at the interview, additional information or documentation may be required. In this case, the PHA must clearly inform the family about what additional items need to be provided and by when. Providing a list of missing documents in writing will help facilitate the process.
* The model ACOP uses the 10 business day time frame used elsewhere in the ACOP as the time frame for returning the required materials. However, this is an area where some flexibility may be required, since some documents may be difficult to obtain, and families may misunderstand exactly what documents were required. The model ACOP provides a clear deadline, but gives the PHA the flexibility to grant extensions to families that require them.

🞎 *Option 1:* *Use the model ACOP language shown below. No changes to the model ACOP are needed.*

The family must provide the information necessary to establish the family’s eligibility, including suitability, and determine the appropriate amount of rent the family will pay. The family must also complete required forms, provide required signatures, and submit required documentation. If any materials are missing, the PHA will provide the family with a written list of items that must be submitted.

Any required documents or information that the family is unable to provide at the interview must be provided within 10 business days of the interview (Chapter 7 provides details about longer submission deadlines for particular items, including documentation of Social Security numbers and eligible noncitizen status). If the family is unable to obtain the information or materials within the required time frame, the family may request an extension. If the required documents and information are not provided within the required time frame (plus any extensions), the family will be sent a notice of denial (see Chapter 3).

🞎 *Option 2: Use another PHA-established policy. Edit the model ACOP language or delete it and insert the PHA’s policy.*

**☑ Decision Point: What kind of assistance can the family have at the interview?**

Things to Consider

* Some families may wish to bring an advocate, interpreter, or other assistant with them to the interview. The model ACOP permits such a person to attend but requires the family and the PHA to execute a certification attesting to the role and assistance of the third-party in the application interview process.
* Depending on local conditions and the PHA’s resources, interviews may be conducted only in English, or the PHA may provide interviews in other languages, either routinely, or upon special request. A PHA with bi-lingual staff might establish a policy offering interviews in another language. The model ACOP limits the PHA’s commitment to providing interviews in English, with services provided for limited English proficiency (LEP) applicants, under the PHA’s LEP plan.
* The PHA’s LEP plan is a separate document from the ACOP. If this policy language is included in the ACOP, the PHA must ensure that the LEP plan adequately addresses the issue of oral translation services.

🞎 *Option 1:* *Use the model ACOP language shown below. No changes to the model ACOP are needed.*

An advocate, interpreter, or other assistant may assist the family with the application and the interview process.

Interviews will be conducted in English. For limited English proficient (LEP) applicants, the PHA will provide translation services in accordance with the PHA’s LEP plan.

🞎 *Option 2: Use another PHA-established policy. Edit the model ACOP language or delete it and insert the PHA’s policy.*

**☑ Decision Point: What happens if the family cannot attend a scheduled interview?**

Things to Consider

* The PHA should have a policy for rescheduling the interview if a family is unable to attend, as well as policies concerning how to handle families who do not attend scheduled interviews.
* The model ACOP requires the PHA to deny assistance if the family fails to attend two scheduled interviews without PHA approval.
* PHAs are not required to automatically reschedule an interview when a family does not attend the first scheduled interview, however, this is the methodology used in the model policy.

🞎 *Option 1:* *Use the model ACOP language shown below. No changes to the model ACOP are needed.*

If the family is unable to attend a scheduled interview, the family should contact the PHA in advance of the interview to schedule a new appointment. In all circumstances, if a family does not attend a scheduled interview, the PHA will send another notification letter with a new interview appointment time.Applicants who fail to attend two scheduled interviews without PHA approval will have their applications made inactive based on the family’s failure to supply information needed to determine eligibility. The second appointment letter will state that failure to appear for the appointment without a request to reschedule will be interpreted to mean that the family is no longer interested, and their application will be made inactive. Such failure to act on the part of the applicant prevents the PHA from making an eligibility determination, therefore the PHA will not offer an informal hearing.

🞎 *Option 2: Use another PHA-established policy. Edit the model ACOP language or delete it and insert the PHA’s policy.*

**4-III.E. FINAL ELIGIBILITY DETERMINATION [24 CFR 960.208]**

**☑ Decision Point: How and when will the PHA notify the family that they have been determined to be eligible for admission?**

Things to Consider

* The model ACOP states that the PHA will notify a family of its eligibility within 10 business days of making the determination. This time frame (10 business days) is consistent with policies elsewhere in the ACOP.
* HUD has no specific regulations concerning the type of notice given to applicant families, however, HUD requires that PHA notices to tenant families must be in writing [24 CFR 966.4(k)(1)(i)]. It is standard procedure to notify families in writing.

🞎 *Option 1:* *Use the model ACOP language shown below. No changes to the model ACOP are needed.*

The PHA will notify a family in writing of their eligibility within 10 business days of the determination and will provide the approximate date of occupancy insofar as that date can be reasonably determined.

The PHA will expedite the administrative process for determining eligibility to the extent possible for applicants who are admitted to the public housing program as a result of an emergency transfer from another PHA program.

🞎 *Option 2: Use another PHA-established policy. Edit the model ACOP language or delete it and insert the PHA’s policy.*

**☑ Decision Point: How and when will the PHA notify the family that they have been determined to be ineligible for admission?**

Things to Consider

* If the PHA determines that a family is ineligible, the family must be notified and given the opportunity for an informal hearing [24 CFR 960.208(a)] (see Chapter 14).
* The model ACOP states that the PHA will notify the family of its ineligibility within 10 business days of making the determination. This time frame (10 business days) is consistent with policies elsewhere in the ACOP.
* HUD has no specific regulations concerning the type of notice given to applicant families, however, HUD requires that PHA notices to tenant families must be in writing [24 CFR 966.4(k)(1)(i)]. It is standard procedure to notify families in writing.
* PHAs can provide additional information in the notice of denial such as the name and contact information for free or low-cost legal services. This type of information is helpful for applicants and can also contribute to a good working relationship with legal aid offices within your jurisdiction.

🞎 *Option 1:* *Use the model ACOP language shown below. No changes to the model ACOP are needed.*

If the PHA determines that the family is ineligible, the PHA will send written notification of the ineligibility determination within 10 business days of the determination. The notice will specify the reasons for ineligibility, and will inform the family of its right to request an informal hearing (see Chapter 14).

🞎 *Option 2: Use another PHA-established policy. Edit the model ACOP language or delete it and insert the PHA’s policy.*

**FINALIZING THE DOCUMENT**

Take a final look at the changes you have made in this chapter of the ACOP.  
Have you:

(1) Added or subtracted any exhibits at the end of the chapter?  Yes  No.

(2) Added, subtracted or reordered any major sections (at the A, B, or C level?)  Yes  No

If you answered yes to either of these questions, you must adjust the chapter to match your changes.

**☑ Decision Point: Are any changes required to this chapter?**

No. No changes to the model policy are needed.

Yes. Edits only. Edit and insert PHA language as appropriate.

Yes. PHA changed the organization of the chapter. Adjust the chapter to reflect your changes **and** review the rest of the document to make sure that any references to section numbers are correct.

**☑ Decision Point: Are changes required in other chapters as a result of changes to this chapter?**

Check the “Things to Consider” under each decision point to identify if changes to the model policy will require changes to policies in other chapters of the ACOP.

No. Changes to other chapters are not necessary.

Yes. Changes to the following chapters are also required:

**EXHIBIT 4-1: LOCAL PREFERENCES – POLICY OPTIONS**

* **Residency Preference**: For families who live, work, or have been hired to work **[or who are attending school]** in the jurisdiction.
* **Veteran’s Preference**: This preference is available to current members of the U.S. Armed Forces, veterans, or surviving spouses of veterans.
* **Disability Preference**: This preference is extended to disabled persons or families with a disabled member as defined in this ACOP.
* **Working Preference**: Families where the head and/or spouse/cohead is employed at least **[number]** hours per week **[or who are active participants in accredited educational and training programs designed to prepare the individual for the job market]**. This preference is automatically extended to an applicant family if the head and spouse, or sole member is age 62 or older, or is a person with disabilities.
* **Educational/Training Participants**: This preference is available for families **[whose head and/or spouse/cohead][with adult member(s) who]** are graduates of or active participants in educational and training programs designed to prepare the individual for the job market.
* **Graduates of Transitional Housing Programs**: Families who have graduated from transitional housing programs for **[homeless/substance abusers/victims of domestic abuse]**.
* **Victims of Domestic Violence:** The PHA will offer a preference to families that include victims of domestic violence, dating violence, sexual assault, stalking, or human trafficking who have either been referred by a partnering service agency or consortia or is seeking an emergency transfer under VAWA from the PHA’s housing choice voucher program or other covered housing program operated by the PHA.

The PHA will work with the following partnering service agencies:

**[Insert name(s) of agencies]**

The applicant must certify that the abuser will not reside with the applicant unless the PHA gives prior written approval.

* **Involuntary Displacement**: Involuntarily displaced applicants are applicants who have been involuntarily displaced and are not living in standard, permanent replacement housing, or will be involuntarily displaced within no more than six months from the date of **[preference status certification by the family/verification by the PHA]**.

Families are considered involuntarily displaced if they are required to vacate housing as a result of:

1. A disaster (fire, flood, earthquake, etc.) that has caused the unit to be uninhabitable.

2. Federal, state or local government action related to code enforcement, public improvement or development.

3. Action by a housing owner which is beyond an applicant's ability to control, and which occurs despite the applicant's having met all previous conditions of occupancy, and is other than a rent increase.

If the owner is an immediate family member and there has been no previous rental agreement and the applicant has been part of the owner's family immediately prior to application, the applicant will not be considered involuntarily displaced.

For purposes of this definitional element, reasons for an applicant having to vacate a housing unit include, but are not limited to:

Conversion of an applicant's housing unit to non-rental or non-residential use

Closure of an applicant's housing unit for rehabilitation or non-residential use

Notice to an applicant that s/he must vacate a unit because the owner wants the unit for the owner's personal or family use or occupancy

Sale of a housing unit in which an applicant resides under an agreement that the unit must be vacant when possession is transferred

Any other legally authorized act that results, or will result, in the withdrawal by the owner of the unit or structure from the rental market

4. To avoid reprisals because the family provided information on criminal activities to a law enforcement agency and, after a threat assessment, the law enforcement agency recommends rehousing the family to avoid or reduce the risk of violence against the family.

The family must be part of a Witness Protection Program, or the HUD Office or law enforcement agency must have informed the PHA that the family is part of a similar program.

The PHA will take precautions to ensure that the new location of the family is concealed in cases of witness protection.

5. By hate crimes if a member of the family has been the victim of one or more hate crimes, and the applicant has vacated the unit because of the crime or the fear of such a crime has destroyed the applicant's peaceful enjoyment of the unit.

A hate crime is actual or threatened physical violence or intimidation that is directed against a person or his property and is based on the person's race, color, religion, sex, national origin, disability or familial status **[including sexual orientation]** and occurred within the last **[number of]** days or is of a continuing nature.

6. Displacement by non-suitability of the unit when a member of the family has a mobility or other impairment that makes the person unable to use critical elements of the unit and the owner is not legally obligated to make changes to the unit.

Critical elements are: **[entry and egress of the unit and building/a sleeping area/a full bathroom/a kitchen if the person with a disability must do their own food preparation/other]**.

7. Due to HUD disposition of a multifamily project under Section 203 of the Housing and Community Development Amendments of 1978.

In order to receive the displacement preference, applicants who have been displaced must not be living in “standard replacement housing.”

Standard replacement housing is defined as housing that is safe and habitable **[according to the** **National Standards for the Physical Inspection of Real Estate: Inspection Standards (NSPIRE)/Housing Quality Standards/local housing code/other]**, that is adequate for the family size according to **[NSPIRE standards/Housing Quality Standards/local code/state code/BOCA code]**, and that the family is occupying pursuant to a written or oral lease or occupancy agreement.

Standard replacement housing does not include transient facilities, hotels, motels, temporary shelters, and (in the case of victims of domestic violence) housing occupied by the individual who engages in such violence.

It does not include any individual imprisoned or detained pursuant to state law or an Act of Congress. Shared housing with family or friends **[is/is not]** considered temporary and **[is/is not]** considered standard replacement housing.

* **Substandard Housing**: Applicants who live in substandard housing are families whose dwelling meets one or more of the following criteria **[provided that the family did not cause the condition]**:

Is dilapidated, **[as cited by officials of a local code enforcement office]** and does not provide safe, adequate shelter; has one or more critical defects or a combination of defects requiring considerable repair; endangers the health, safety, and well-being of the family

Does not have operable indoor plumbing

Does not have a usable flush toilet in the unit for the exclusive use of the family

Does not have a usable bathtub or shower in the unit for the exclusive use of the family

Does not have adequate, safe electrical service

Does not have an adequate, safe source of heat

Should, but does not, have a kitchen (Single Room Occupancy (SRO) housing is not substandard solely because it does not contain sanitary and/or food preparation facilities in the unit.)

Has been declared unfit for habitation by a government agency

Is overcrowded according to **[PHA/HQS/local/state/BOCA code]**

Persons who reside as part of a family unit shall not be considered a separate family unit for substandard housing preference purposes.

Applicants living in assisted housing shall not be denied this preference if the unit meets the criteria for the substandard preference.

An applicant who is a “homeless family” is considered to be living in substandard housing. *Homeless families:*

Lack a fixed, regular and adequate nighttime residence; and

Have a primary nighttime residence that is a supervised public or private shelter providing temporary accommodations (including welfare hotels, congregate shelters and transitional housing), or an institution providing temporary residence for individuals intended to be institutionalized, or a public or private place not ordinarily used as a sleeping accommodation for human beings

Any individual or family who is fleeing or attempting to flee domestic violence, dating violence, sexual assault, stalking, or other dangerous or life-threatening conditions in the individual’s or family’s current housing situation, including where the health and safety of the children are jeopardized, and who have no other residence and lack the resources or support networks to obtain other permanent housing are also considered homeless under this definition [FR Notice 1/4/23].

Homeless families may maintain their place on the waiting list while completing a transitional housing program.

Families who are residing with friends or relatives on a temporary basis **[will/will not]** be included in the homeless definition.

Persons who reside as part of a family unit shall not be considered a separate household.

* **Rent Burden**: This preference applies to families paying more than 50% of their income for rent and utilities for at least 90 days **[commencing before they were selected from the waiting list and continuing through the verification of preference]** will receive this preference.

For purposes of this preference, "family income" is gross monthly income as defined in the regulations.

"Rent" is defined as the actual amount due under a lease or occupancy agreement calculated on a monthly basis without regard to the amount actually paid, plus the monthly amount of tenant-supplied utilities which can be either:

The PHA's reasonable estimate of the cost of such utilities, using the PHA’s utility allowance schedule; or

The average monthly payments the family actually made for these utilities in the most recent 12-month period, or if information is not obtainable for the entire period, the average of at least the past **[number of/any representative sampling of]** months.

An applicant family may choose which method to use to calculate utility expenses. Any amounts paid to or on behalf of a family under any energy assistance program must be subtracted from the total rent burden if included in family income. The applicant must show that they actually paid the utility bills, regardless of whose name the service is under.

To qualify for the rent burden preference, the applicant must pay rent directly to the landlord or agent.

If the applicant pays their share of rent to a cohabitant and is not named on the lease, the PHA will require both verification from the landlord that the applicant resides in the unit, and verification from the cohabitant of the amount of rent paid by the applicant.

If the applicant is subletting, the lessor must have the legal right to sublet.

If an applicant owns a mobile home, but rents the space upon which it is located, then "rent" must include the monthly payment made to amortize the purchase price of the home.

Members of a cooperative are "renters" for the purposes of qualifying for the preference. In this case, "rent" would mean the charges under the occupancy agreement.

* **Single Applicants**: *Select only one of the following:*

Single applicants will be treated as any other family on the waiting list.

Single applicants who are elderly, disabled, homeless, or displaced will be given a selection priority over all “other single” applicants regardless of preference status. "Other singles" denotes a one-person household in which the individual member is not elderly, disabled, homeless, or displaced by a formally recognized disaster or by government action. Such applicants will be placed on the waiting list in accordance with any other preferences to which they are entitled, but they can not be selected for tenancy before any one-person elderly, disabled, homeless, or displaced family regardless of local preferences.

**EXHIBIT 4-1 (Continued)**

**SYSTEMS OF PREFERENCES – POLICY OPTIONS**

*Select only one of the following:*

1. All local preferences will be treated equally. Among applicants who qualify for local preferences, date and time of application will be used to determine placement on the waiting list.

2. Local preferences will be numerically ranked, with number 1 being the highest preference, in the following order: **[list]**

Among applicants who qualify for each local preference category, date and time of application will be used to determine placement on the waiting list.

3. Local preferences will be aggregated using the following system: (select only one system of aggregating):

Two preferences outweigh one, three outweigh two, etc.

Each preference will be equal to **[number]** points. The more preference points an applicant has, the higher the applicant’s place on the waiting list.

**[list preferences offered and indicate the number of points allotted each preference]**

Each preference will receive an allocation of points. The more preference points an applicant has, the higher the applicant’s place on the waiting list.

**[list preferences offered and indicate the number of points allotted each preference]**

Among applicants who qualify for the same number of preference points, date and time of application will be used to determine placement on the waiting list.

**EXHIBIT 4-1 (Continued)**

**VERIFICATION OF WAITING LIST PREFERENCES – POLICY OPTIONS**

* **Residency Preference**: For families who live, work or have been hired to work in the jurisdiction of the PHA.

In order to verify that an applicant is a resident, the PHA will require a minimum of **[specify number]** of the following documents: rent receipts, leases, utility bills, employer or agency records, school records, drivers licenses, voters registration records, credit reports, statement from household with whom the family is residing.

For families who have been hired to work in the jurisdiction of the PHA, a statement from the employer will be required.

**Veterans Preference**: This preference is available to current members of the U.S. Armed Forces, veterans, or surviving spouses of veterans.

The PHA will require U.S. government documents which indicate that the applicant qualifies under the above definition.

**Disability Preference**: This preference is extended to disabled persons or families with a disabled member as defined in this ACOP.

The PHA will require appropriate documentation from a knowledgeable professional. The PHA will not inquire as to the nature or extent of the disability.

An award letter or other proof of eligibility for Social Security Disability or Supplemental Security Income will be acceptable.

**Working Preference**: This preference is available for families whose head and/or spouse/cohead is employed or to families whose head and/or spouse/cohead is elderly or disabled.

The PHA will require a statement from the employer.

**Educational/Training Participants**: This preference is available for families **[whose head and/or spouse/cohead][with adult member(s) who]** are graduates of or participants in educational or training programs designed to prepare the individual for the job market.

The PHA will require a statement from the agency or institution providing the education or training.

**Victims of Domestic Violence**: The PHA will offer a preference to families that include victims of domestic violence.

The PHA will follow documentation requirements as outline in 16-VII.D.

The family must certify that the abuser will not return to the household without the advance written approval of the PHA.

* **Involuntary Displacement**: Families who claim they are being or have been displaced due to either a formally declared disaster or government action: written verification by the displacing or declaring unit or agency of government, **[or by a service agency such as the Red Cross]**.

Families who claim they are being or have been displaced because of actions taken by the owner/agent of the unit the family is renting: Notification by owner to family of the action/ written verification by the owner or agent/documents such as sales agreements, foreclosure notices or building permits.

Families who claim they have been or are about to be displaced to avoid reprisals for providing information to assist police in a criminal investigation

Certification of threat assessment by a law enforcement agency

Oral or written recommendation from a law enforcement agency or HUD

Families who claim to be displaced by hate crimes

A written statement from a law enforcement agency, HUD, a fair housing or other agency responsible for non-discrimination advocacy. The statement should contain the approximate number of occurrences and the date of last occurrence.

Displacement by inaccessibility of unit

Statement from the owner of the critical elements that are inaccessible, and that the owner is not going to make the needed modifications, or permit the family to make the modifications

Inspection by the PHA to verify inaccessibility of critical elements

A statement from the owner of the building that the accommodations required will not be made

If the owner permits the tenant to make the modifications, verification that the family cannot afford the expense

Displacement by HUD disposition of a project: Written verification from HUD

Determination of standard replacement housing: Inspection by a **[PHA/other inspector/certification by landlord]**.

* **Substandard Housing**:

Families who claim to be living in a substandard housing unit:

Written **[or oral]** verification by a government agency

PHA inspection

Landlord's statement of unit condition

Inspection form completed and certified by family head of household

“Homeless” families:

Written certification by a public or private facility providing shelter, the police, or a social services agency.

**[List the agencies from which the PHA will accept certifications]**

The PHA designates agencies for this purpose. Any suitable agency may verify.

Prior to processing the application, the PHA requires a second certification from the same source that the applicant is not yet permanently housed and has been continuously homeless or temporarily housed since claiming the preference.

A PHA inspector may verify that the applicant is living in a place not normally used for human habitation.

If a family is in transitional housing and wishes the PHA to hold the family's place on the waiting list, a statement is required from the agency providing the transitional housing.

* **Rent Burden**: Paying more than 50% of income for rent:

Families will be required to verify their income, the amount of rent and utilities they are obligated to pay, and the period of time they have been residing in the unit.

Families must furnish copies of rental receipts/the lease/canceled checks/money orders.

The PHA **[may/must]** contact the landlord directly by mail or telephone.

The PHA compares the address with address(es) used on other documents in the file.

In cases where the family pays rent to a co-renter or sublets the unit, the PHA requires a certification from the person who receives the money from the applicant, and verification from the owner that the family resides in the unit.

If there is no rental agreement, and no other landlord verification, the PHA will require documentation for **[specify number of]** months.

If there is no lease or occupancy agreement and the family is receiving public assistance, the PHA may verify the amount of rent and address of the unit with the appropriate social service agency.

If there is no lease or occupancy agreement, and the family is not receiving public assistance, the PHA will require receipts and other forms of identification which indicate the residence. Such documents include receipts, telephone bills, utility bills, driver's license, and school records.

To verify the amount due to amortize the purchase price of a manufactured home, copies of the most recent payment receipts, canceled checks or money order receipts, or a copy of the current purchase agreement.

At the family's option, the PHA can use either the actual cost of utilities or the PHA's utility allowance schedule. To verify the amount the family actually paid for utilities not included in the rent (if the PHA utility allowance schedule is not used):

Copies of receipts, canceled checks, bills showing previous utility payments

Written verification of consumption costs directly from the utility or service supplier

Verification must be provided for a minimum period of **[specify number]** months.

Documentation of the amount of rent due must be provided for a period of **[specify number]** months.